

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00316-MOC-WCM

COMMISSION ON HEALTH CARE)
CERTIFICATION, INC. d/b/a)
INTERNATIONAL COMMISSION ON)
HEALTH CARE CERTIFICATION,)
)
Plaintiff,)
v.)
)
FIG EDUCATION, INC.; and)
SHELENE J. GILES,)
)
Defendants.)
_____)

ORDER

Before the Court is a Consent Motion for Extension of Discovery Deadline (the “Motion,” Doc. 18), by which the parties request that the deadline to complete court-enforceable discovery be extended.

The current deadlines and proposed deadlines are:

	Current	Proposed
Discovery:	October 7, 2024	December 9, 2024
Mediation:	October 24, 2024	unchanged
Motions:	November 7, 2024	unchanged

The parties state that the requested extension is appropriate because they wish to conduct mediation before taking depositions.

There are, however, multiple problems with the Motion.

Parties are generally given the discretion to conduct discovery in the manner and in the sequence they choose. At the same time, discovery must be completed within the limits set by the Court and the Rules.

Here, the parties' desire to engage in settlement discussions prior to taking depositions, in an effort to reduce the costs in terms of time and expense associated with this litigation, is not unreasonable—but the parties have known since the Pretrial Order was entered in March of 2024 of the deadlines for them to complete discovery and mediation (regardless of any agreements they may reach with respect to the sequence in which those proceedings occur).

Additionally, although the Motion states that an extension of the discovery deadline would not affect the November 7, 2024 motions deadline, the undersigned is not persuaded that the dispositive motions deadline should be set *prior* to the completion of court-enforceable discovery.

Under these circumstances, the Motion will be granted in part.

IT IS THEREFORE ORDERED THAT:

1. The Consent Motion for Extension of Discovery Deadline (Doc. 18) is

GRANTED IN PART, and the following deadlines are **EXTENDED**:

- a. Discovery through and including November 6, 2024; and
- b. Motions through and including December 6, 2024.

2. All other provisions of the Pretrial Order and Case Management Plan (Doc. 10), including the October 24, 2024 deadline to complete mediation and the April 7, 2025 trial setting, remain in effect.

Signed: September 23, 2024

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

